

REMARKS

The Examiner has rejected Claim 1-18 under 35 U.S.C. 103(a) as being unpatentable over Crow et al (U.S. Patent No. 6,538,665) in view of Brooks et al. (U.S. Patent No. 6,477,493). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant amended each of the independent claims to include the subject matter of Claim 2 as well as additional limitations believed to be novel when taken in combination with the remaining limitations.

With respect to independent Claims 1, 7 and 13, the Examiner relies on Brook's disclosure of "user input requesting enrollment using a transcription device" wherein the user input includes "a user keyboard entry" (Col. 6 lines 18-24) to make a prior art showing of applicant's claimed "depicting a transcription field for allowing entry of a transcription of the utterance utilizing a keyboard." Applicant respectfully disagrees with this assertion.

Specifically, applicant respectfully asserts that Brooks does not even suggest a transcription field for allowing entry of a transcription of the utterance. Brooks simply teaches user input that requests enrollment, and not a user entering a transcription of the utterance emitted. In addition, the transcription device disclosed by Brooks simply records audio and transfers the audio to a speech recognition system (Col 5 lines 17-18). Such transcription device is not even remotely similar to applicant's transcription field for allowing entry of a transcription.

In addition, the Examiner has rejected applicant's claimed "wherein the transcription graphical user interface is displayed using hypertext markup language (HTML)" (see all independent claims) under Crow. Applicant again respectfully disagrees.

In particular, Crow merely discloses “client computer systems...[that] may each, with appropriate web browsing software, access data, such as HTML documents (e.g. Web pages)...[wherein] such data may provide media...which may be played back/presented by the client computer systems” (Col. 6 lines 5-13). This teaching, however, in no way even suggests applicant’s claimed transcription graphical user interface. Crow simply mentions accessing data through HTML documents, which does not even remotely encompass applicant’s transcription graphical user interface, as claimed.

Still yet, with respect to the subject matter of dependant Claims 2, 8 and 14 (which is presently incorporated into each of the independent claims), the Examiner has rejected applicant’s claimed “comment field [that] is depicted for allowing entry of comments associated with the transcription utilizing the keyboard” under Brooks’ disclosure of allowing a user to request an enrollment script (Fig. 4A item 52) and notifying a user of insufficient percentage of words to complete enrollment (Fig. 4B item 66). Applicant respectfully asserts that simply providing a method of receiving requests and outputting notifications (as provided by Brooks) does not disclose, let alone suggest, a comment field for entry of comments associated with a transcription.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail

to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

The Examiner's rejections are further replete with deficiencies with respect to the dependant claims. Regarding dependent Claims 4, 10, and 16; the Examiner relies on Brooks' disclosure of user activatable buttons, the selection of which initiate corresponding actions (Col. 9 lines 40-62) to make a prior art showing of applicant's claimed "wherein a pair of selection icons are displayed for prompting the emission of previous and next utterances." Applicant respectfully disagrees with this assertion.

In particular, applicant respectfully asserts Brooks' buttons are simply activated each time a GUI is invoked, and such buttons only correspond to a limited set of specific actions, including previewing and printing enrollment scripts, initiating preliminary testing, initiating importation or transfer of the enrollment recording, initiating training of the speech recognition process, etc. Applicant's claimed selection icons are clearly departed from this functionality set forth in Brooks. Specifically, applicant's claimed selection icons prompt the emission of previous and next utterances, neither of which are prompted by Brooks' disclosed buttons.

Further, with respect to dependant Claims 5, 6, 11, 12, 17 and 18; the Examiner has relied on Brooks' disclosure of a decoding process that can determine whether sentences are missing or repeated, and notifying a user of whether a minimum predetermined percentage of words are recognized (Col. 8 lines 28-67) to make a prior art showing of applicant's claimed "wherein a hint is displayed corresponding to the utterance" and "wherein the hint corresponds to a word matched with the utterance utilizing a speech recognition process." Applicant respectfully asserts that Brooks' disclosure of decoding and notification processes do not even remotely relate to applicant's claimed displaying a hint corresponding to a word matched with the utterance.

Still yet, applicant brings the following subject matter of new Claims 19-22 to the Examiner's attention, for full consideration:

"wherein the transcription graphical user interface is in communication with a database containing untranscribed and transcribed utterance records" (see Claim 19);

"wherein the comments and utterance records are stored for facilitating a tuning of the utterance" (see Claim 20);

"wherein the utterance is transmitted to a plurality of users utilizing the network browser" (see Claim 21); and

"wherein speech recognition is tuned utilizing the transcriptions" (see Claim 22).

A notice of allowance or a specific prior art showing of each of the foregoing claim limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOC005).

Respectfully submitted,

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